

UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF TEXAS  
LUFKIN DIVISION

UNITED STATES OF AMERICA

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§  
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§  
§

V.

CASE NO. 9:05cr33

DAVID LEE TUCKER

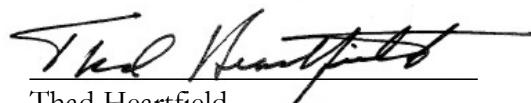
**ORDER ADOPTING THE REPORT AND RECOMMENDATION  
OF THE UNITED STATES MAGISTRATE JUDGE**

By order, the undersigned referred this matter to the Honorable Harry W. McKee, United States Magistrate Judge, at Tyler, Texas, for administration of a guilty plea under Rules 11 and 32 of the Federal Rules of Criminal Procedure. Judge McKee conducted a hearing in the form and manner prescribed by Federal Rule of Criminal Procedure 11 and issued his *Report and Recommendation of the United States Magistrate Judge* [Clerk's doc. #7]. The Magistrate Judge recommended that the Court accept Defendant's guilty plea and conditionally accept his plea agreement. He further recommended that the undersigned finally adjudge Defendant as guilty on the **Sole Count** of the **Indictment** filed against Defendant in this cause.

The parties have not objected to the magistrate judge's findings. The Court is of the opinion that the *Report and Recommendation* should be accepted. It is accordingly **ORDERED** that the *Report and Recommendation* [Clerk's doc. #7] of the United States Magistrate Judge are **ADOPTED**. Defendant's guilty plea and the plea agreement are conditionally **ACCEPTED** by the Court at this time.

It is further **ORDERED** that, in accordance with Defendant's guilty plea and the magistrate judge's findings and recommendation, Defendant, David Lee Tucker, is hereby adjudged as **GUILTY** on the **Sole Count** of the **Indictment**, conditioned upon the Court's final acceptance of the guilty plea and plea agreement at sentencing.

**SIGNED** this the **20** day of **October, 2005**.



Thad Heartfield  
United States District Judge